

REMARKS

This application has been reviewed in light of the Office Action dated August 4, 2004. Claims 25-45 are presented for examination, of which Claims 25, 32 and 39 are in independent form. Claims 33-45 have been added to provide Applicant with a more complete scope of protection. Claims 25-32 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 25-30 and 32 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,313,875 (*Suga et al.*) in view of U.S. Patent 5,625,415 (*Ueno et al.*), and Claims 31 and 32, as being obvious from *Suga* in view of *Ueno* and U.S. Patent 6,522,354 (*Kawamura et al.*).

Independent Claim 25 is directed to a control method of remotely controlling an image capture apparatus, in which a captured image sent from the image capture apparatus is captured, and a shape of a frame to be set within the captured image is selected. An area of the frame is set, and a first command is sent to the image capture apparatus. Also, according to Claim 25, the first command includes (1) data indicating a shape selected in the shape selection step, and (2) data indicating an area set in the area setting step.

Suga has been adequately discussed in previous papers, and it is not believed to be necessary to repeat that discussion in full. Applicants believe strongly that nothing in *Suga* would teach, or even hint at, any command corresponding to a "first command [that] includes data indicating a shape selected in the shape selection step, and data indicating an area set in the area setting step" as recited in Claim 25. Because of this, Applicants strongly believe that one of

merely ordinary skill would not be led by anything in *Suga* to an image capture apparatus that is controlled by using such a command.

Moreover, Applicants also submit that nothing in *Suga* would teach or hint at any way of notifying an image capture apparatus of "data indicating a shape selected in the shape selection step" and "data indicating an area set in the area setting step", as recited in Claim 25.

Therefore, it is not at all understood how one of ordinary skill could have been led by anything in that patent to any arrangement having the capability of notifying an image capture apparatus of "data indicating a shape selected in the shape selection step" and "data indicating an area set in the area setting step" by using a single command, as is recited in Claim 25.

For both reasons, it is believed to be clear that Claim 25 is allowable over *Suga*, taken alone.

Ueno relates to an imaging system including a computer-controlled electronic camera, in which it is intended to shorten the time required for transmission of data from the camera to a host. Upon the host issuing a preview-image command to the camera, image data stored in the camera is reduced to 1/8 size by pixel deletion, and the result is sent to the host and displayed there. If the user designates an area of interest and desired resolution, and issues a get command, image data for that area, at the designated magnification (resolution), is then sent to the host.

Applicants note, however, that nothing in *Ueno* or in *Suga* suggests in any fashion that multiple designated characteristics, such as the frame size, exposure, focus or white balance, can or could be included in a single command. Quite to the contrary, the Office Action

itself concedes that *Suga* sends one command to communicate a frame size to the camera, and then sends another to communicate “any *one* of an exposure, focus, or white balance [emphasis added]”. Applicants also submit that nothing has been found, or pointed out, in *Ueno* that would in any way supply what is missing in this regard from *Suga* as a reference against Claim 25. Even assuming for argument’s sake that the proposed combination of these documents would be a proper one in other regards, therefore, the result would not meet all the terms of Claim 25.

For all these reasons, it is believed to be clear that Claim 25 is allowable over *Suga* and *Ueno*, taken separately or in any permissible combination (if there is any).

Independent Claims 32 and 39 are respectively an apparatus claim and a memory-medium claim corresponding to method Claim 25, and are allowable over *Ueno* for at least the reasons presented above in connection with the latter claim.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Leonard P. Diana", written over a horizontal line.

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